

**LFC Requester:****Connor Jorgensen**

**AGENCY BILL ANALYSIS  
2016 REGULAR SESSION**

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**      X   **Amendment**            
**Correction**           **Substitute**          

**Date** 01/19/2016

**Bill No:** HB147

**Sponsor:** Alonzo Baldonado

**Agency Code:** 305

**Short Title:** Appropriation for Enforcement  
of the Homeowners Association

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		
\$150,000		Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY16	FY17	FY18		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE****BILL SUMMARY**

This analysis is neither a formal Attorney General's Opinion nor an Attorney General's Advisory Letter. This is a staff analysis in response to an agency's, committee's, or legislator's request.

**Synopsis:**

HB147 makes an appropriation of One hundred fifty thousand dollars (\$150,000) from the general fund to the office of the Attorney General (OAG) for expenditure for enforcement of the Homeowner Association Act HOA [NMSA 47-16-1 *et seq.*]

**FISCAL IMPLICATIONS**

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

**SIGNIFICANT ISSUES**

While HB147 makes appropriations for enforcement by the OAG, the Act itself [NMSA 47-16-1 *et seq.*] does not provide for the OAG to enforce this Act. The HOA is set up for private remedies for a private attorney to enforce. An amendment to the actual HOA would be required to provide for enforcement by the OAG.

**PERFORMANCE IMPLICATIONS****ADMINISTRATIVE IMPLICATIONS****CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP****TECHNICAL ISSUES****OTHER SUBSTANTIVE ISSUES****ALTERNATIVES****WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL** Status Quo

**AMENDMENTS** As stated above, in order for the OAG to have enforcement action of HOA

NMSA 47-16-1 *et seq.* an amendment would be necessary to provide for OAG enforcement of the HOA.